

REMARKS

The above amendments are made in response to the outstanding Non-final Office Action dated June 27, 2008. The Examiner's reconsideration is respectfully requested in view of the above amendments and the following remarks

It is noted that Applicants have submitted a Preliminary Amendment to claims on October 04, 2004. In the Preliminary Amendment, Claims 3-7, 13 and 15 have been amended and new Claims 16-22 have been added, in order to spread out multiple dependent claims.

In the outstanding Office Action, however, Claims 16-22 have been excluded from the Examiner's consideration. It is further noted that Claims 16-22 recite substantially the same subject matter of Claims 3-7, 13 and 15 respectively, which have been considered in the Office Action.

In response to the Office Action, Claims 1, 2, 8 and 9-11 have been amended to more clearly define the subject matter of the claimed invention. Claims 7 and 20 have been cancelled. No new matter has been introduced by these amendments.

Claims 1-6, 8-19, 21 and 22 are thus pending in this application.

Claim Rejections Under 35 U.S.C. §103

Claims 1-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over KR'158.

In order for an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996). See MPEP 2143.

Establishing a *prima facie* case of obviousness requires that all elements of the invention be disclosed in the prior art. *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). Further, even assuming that all elements of an invention are disclosed in the prior art, an Examiner cannot establish obviousness by locating references that describe various aspects of a patent applicant's invention without also providing evidence of the motivating force which would have impelled one skilled in the art to do what the patent applicant has done. *Ex parte Levengood*, 28 U.S.P.Q. 1300 (Bd. Pat. App. Int. 1993). The references, when viewed by themselves and not in retrospect, must suggest the invention. *In re Skill*, 187 U.S.P.Q. 481 (C.C.P.A. 1975).

Applicants have amended Claims 1, 2, 8, 9-11 and 13 have been amended to more clearly define the subject matter of the claimed invention. Claims 7 and 20 have been cancelled, of which subject matter is incorporated into Claims 1, 2, 10 and 11.

Claims 1, 2, 10 and 11 are independent claims. Claim 3-6, 8 and 9 are dependent directly from Claim 1. Claims 16-19 are dependent directly from Claim 2. Claims 13, 14 and 15 are dependent directly or indirectly from Claim 10. Claims 12, 21 and 22 are dependent directly from Claim 11.

The amended independent Claims 1, 2, 10 and 11 include the following limitation:

wherein the lower layer and the upper layer are symmetric to each other with respect to the core layer, and
the (first or second) plastic layer comprises calcium carbonate in an amount of at least 70 % by weight based on the total weight of the first plastic layer

As above, the claimed invention includes *lower and upper layers being symmetric to each other with respect to a core layer, and a plastic layer comprising calcium carbonate in an amount of at least 70% by weight based on the total weight of the plastic layer*. Therefore, the wood flooring has an improved balancing effect, due to the symmetrical structure of the lower and upper layers, as shown in Table 1 on pages 11 and 12 of this application (See the column "Balancing effect" in Table 1). Further, it provides an improved heating effect for an under-floor heater system, due to the plastic layer comprising the calcium carbonate in the specified amount, as shown in Table 1 on pages 11 and 12 of this application (See the column "Heat preservation (Heat loss)" in Table 1).

KR'158 is directed to a floor decorating material comprising vinyl chloride resin laminated with patterned wood that has deluxe appearance, good flexibility or the like. However, KR'158 is silent about the symmetrical structure of the lower and upper layers and the plastic layer comprising calcium carbonate in an amount of at least 70% by weight based on the total weight of the plastic layer, as recited in the amended Claims 1, 2, 10 and 11.

It is noted that KR'158 corresponds to Comparative Example 3 presented in Table 1 on pages 11 and 12 of this application, i.e., corresponds to Korean Patent Registration No. 292,585 (see lines 11-16 on page 2 of this application).

It is therefore submitted that KR'158, neither teaches nor suggests the subject matter claimed in amended Claims 1, 2, 10 and 11, and thus *no suggestion or motivation* exists in the cited reference. Accordingly, *prime facie* obviousness does not exist regarding the subject matter claimed in Claims 1, 2, 10 and 11 with respect to the cited reference. Applicants respectfully submit that Claims 1, 2, 10 and 11 are now allowable over KR'198.

Claim 3-6, 8 and 9, Claims 16-19, Claims 13, 14 and 15, and Claims 12, 21 and 22 are also believed to be allowable, by virtue of their direct or indirect dependency from Claim 1, 2, 10 and 11 respectively.

Applicants respectfully request the Examiner to review these submissions and withdraw the rejection on the claims under 35 U.S.C. §103(a).

Conclusion

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Reconsideration and subsequent allowance of this application are courteously requested.

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorneys.

Application No. 10/509,953
Response dated: September 18, 2008
Reply to Non-Final Office Action of: June 27, 2008

The Examiner is invited to contact Applicant's Attorneys at the below-listed telephone number with any questions or comments regarding this Response or otherwise concerning the present application.

Respectfully submitted,

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